Application No: 1/17/9008

District: Carlisle City Council

Applicant: Mr Richard Allan - North West Recycling Ltd
Unit A Rockcliffe Industrial Estate

Parish: Rockcliffe Parish Council

Received: 20 April 2017

PROPOSAL: Section 73 Variation of Conditions 1, 10 & 11 of planning permission reference 1/11/9001 Unit A Rockcliffe Estate, Kingmoor Park, Carlisle CA6 4RW

LOCATION: North West Recycling, Unit A, Rockcliffe Industrial Estate, Kingmoor Park, Carlisle, CA6 4RW
1.0 RECOMMENDATION

1.1 That planning permission be Granted subject to the conditions set out in Appendix 1 to this report.

2.0 THE PROPOSAL

2.1 Planning permission is sought to vary the approved layout drawing and associated conditions to reflect changes to the operation of the waste management facility at Unit A, Kingmoor Rockcliffe. The application does not seek to increase the capacity or throughput of the facility.

2.2 The changes are in part retrospective and have resulted in the relocation of the staff parking area, the storage of baled plastics away from the building for fire management purposes and the aggregate discharge belt emerging from the western elevation of the building. It is also proposed to create bays for the storage of baled plastic and to move the weighbridge to facilitate the integration of unit B and site K into the overall waste management operation.

3.0 SITE DESCRIPTION

3.1 The application site is located adjacent to the entrance of Rockcliffe Estate, Kingmoor, Carlisle. The site was formerly part of RAF Carlisle and the 14th Maintenance Unit (14MU). 14MU consisted of various industrial type buildings used for the storage and maintenance of equipment and associated office / administration buildings across a number of sites to the north of Carlisle. After the closure of 14MU, Carlisle City Council granted planning permission for B2 & B8 use of the site. The Rockcliffe Estate is now a mixed use estate containing both industrial and office based businesses and includes two other waste management operations. Northwest Recycling operates from 3 linked areas of the estate, unit A, the subject of this application, unit B and site K. The company’s head office and associated staff parking are also on the estate.

3.2 Unit A is a large industrial building surrounded by an apron of concrete and a 3m high close board fence along the northern and western perimeters. Waste materials are stored along the southern elevation and waste is delivered to the unit via doors in the eastern elevation. Unit B and site K, although functionally linked, are not affected by this planning application.

4.0 SITE PLANNING HISTORY

4.1 Conditional planning permission for Unit A was granted on 19 March 2009 (ref 1/09/9002) for a change of use from an industrial building (for B8 use) to the development and operation of a materials recycling facility to enable the sorting and recycling of waste materials (sui generis).

4.2 An application made in 2010 (reference 1/10/9021) to amend conditions to planning permission 1/09/9002 and alter the site layout was withdrawn.

4.3 An application made in 2011 to vary conditions 17, 19 and 20 of planning application ref: 1/09/9002, was conditionally approved on 22 June 2011(ref 1/11/9001).

4.4 Planning permission for waste management operations in unit B and on site K was granted on 17 February 2016 (ref 1/15/9006).
5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Government policy is a material consideration that must be given appropriate weight in the decision making process.

5.2 The Cumbria Minerals and Waste Development Framework’s (CMWDF) Core Strategy 2009-2020 (CS) and Generic Development Control Policies 2009-2020 (GDCP) both adopted in April 2009. The key policies relevant to the determination of this planning application are considered to be:

- Policy CS 8 - Provision for Waste
- Policy DC 2 - General Criteria
- Policy DC 3 - Cumulative Environmental Impacts
- Policy DC 4 - Criteria for Waste Management Facilities
- Policy DC 12 - Landscape

5.3 The emerging Cumbria Minerals and Waste Local Plan 2015-2030 (CMWLP) was submitted to the Secretary of State for examination by an independent Inspector on 9 September 2016. Hearing sessions for the examination were held between 29 November 2016 and 16 December 2016. Following this, a Table of Main Modifications to the Plan was prepared and consulted on between 27 March 2017 and 5 May 2017. The Inspector is now in the process of finalising her Report on changes necessary to ensure that the CMWLP is sound and legally compliant. As the emerging plan progresses greater weight can be attached to it in the decision making process. In this instance weight can be attached to policy SP2 (provision for waste). Determination of this planning application are considered to be:

- SP1 – Presumption in favour of sustainable development
- SP2 – Provision for waste
- DC6 – Cumulative environmental impacts
- DC9 – Criteria for waste management facilities

Carlisle

5.4 The Carlisle District Local Plan 2015-2030 (CDLP) - adopted 8 November 2016. The key policies relevant to the determination of this planning application are considered to be:

- SP1 – Sustainable development
- CM5 – Environmental and Amenity Protection

5.5 The National Planning Policy Framework (NPPF), which was published on 27 March 2012, and the national online Planning Practice Guidance (PPG) suite, which was launched in March 2014, are material considerations in the determination of planning applications. The following sections and paragraphs of the NPPF are considered to be relevant to the determination of this application:

- Paragraphs 6-10 - Achieving sustainable development
- Paragraph 122 – responsibility of regulatory regimes
- Paragraphs 11-14 - The presumption in favour of sustainable development
Paragraphs 186-187 - Decision Taking

6.0 CONSULTATIONS AND REPRESENTATIONS

6.1 Carlisle City Council Planning Department: No objection.

6.2 Carlisle City Council Environmental Health Department: No objection in principle although draw attention to the potential for statutory nuisance and historical issues with the site.

6.3 Rockcliffe Parish Council: Object on the basis of regular breaches of site operating hours; car parking arrangements and the storage of additional materials. They also recommend a site visit is undertaken.

6.4 Environment Agency: No comment.

6.5 Cumbria Fire and Rescue: No Objection. The Fire Protection Plan had just been completed in conjunction with the EA and there were a number of recommendations to be addressed mainly around the storage and segregation of waste, water supplies and detection. At a recent visit it was noted that there was good progress towards completion of these recommendations. Large concrete separation structures were being constructed, hydrants checked and infra-red camera detection being upgraded, general access around the plant was also being improved.

6.6 The application has been advertised in the local press and by site notice on the site. The local County Councillor, Mrs Tarbitt has been notified and recommends the Committee undertakes a site visit to ensure that the quality of life of Rockcliffe residents is not affected by these changes and that Cumbria Fire and Rescue team are invited to check out the arrangements for baled material.

6.7 No representations have been received.

7.0 PLANNING ASSESSMENT

7.1 Planning permission is sought to vary the approved layout drawing and associated conditions to reflect changes to the operation of a waste management facility at Unit A, Kingmoor, Rockcliffe. The application does not seek to increase the capacity or throughput of the facility.

7.2 Whilst the operation of a waste management business will inevitably create issues from time to time, not all of these can be directly addressed through the planning system. They can also be addressed through the permitting process managed by the Environment Agency. The key planning considerations relevant to the application are considered to be the visual impact of relocating the plastic bale storage area and aggregate discharge belt, and the parking of private vehicles used by staff. The proposed relocation of the weighbridge within the existing site does not raise any issues. The application also serves to regularise a number of minor operational changes that have accumulated over time.

7.3 The existing planning permission at the site (ref 1/11/9001) is quite prescriptive as to what operations are carried out where outside of the unit A, and stipulates where waste and processed materials are required to be stored. These restrictions were imposed to address fears and representations made in relation to previous applications at the time.
7.4 With respect to concerns about fire risk, this application is being driven by the “Fire Prevention Plan” that is now required as part of the site’s environmental permit. There was a major fire at the site in December 2012 and there have been a couple of minor incidents since then. The environmental permit and associated management systems are regulated by the Environment Agency (EA). The EA has a lead regulatory role in the environmental permitting process and the Fire Prevention Plan has been developed and implemented in conjunction with Cumbria Fire and Rescue. It has led to the installation of a sprinkler system and changes to the drainage on site to accommodate any firefighting water/foam arising from an incident. One of the key recommendations of the risk assessment is to relocate the storage of plastic bales away from the side of the building, which this application seeks to regularise. NPPF paragraph 122 states “local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.” As the Environmental Permit seeks to minimise fire risk, it would not be appropriate to impose any additional planning conditions relating to such.

7.5 The applicant controls the office building and associated parking/hardstanding area to the north of Unit A. This accommodates all of the business’s needs for staff and visitor parking. This is safer as it reduces the risk of conflict between mobile plant, heavy goods vehicles, private motor vehicles and pedestrians. The area of hardstanding allocated for parking adjacent to the site entrance and shown on the approved drawing would be used to store large skips instead. These would not be visible from outside the site due to the height of the fencing.

7.6 Rockcliffe Parish Council has objected to the proposal making reference to a breach of operational hours at the site at Easter 2017. Conditions limit operating hours to between 7am and 6pm Mondays to Fridays, 7am to 3pm on Saturdays and no working (except essential maintenance) on Sundays, Bank or public holidays. This is the first complaint about operational hours that has been received by the County Council and following the matter being raised with the operator no further complaints have been received. There is no substantiated evidence or history of complaints to suggest that the operator is breaching the approved hours on a regular basis.

7.7 The alteration of the aggregates discharge belt from southern to western elevation reflects efficiency improvements in the recycling process as the site has expanded. Materials for recycling are taken to site K to be processed and are no longer stockpiled outside unit A. This has reduced the visual impact of this element of the operation, as on occasions in the past the stockpile had grown to unacceptable size before being processed and is therefore considered acceptable.

7.8 The alterations reflect the steady growth of North West Recycling’s business which contributes to meeting CMWDF policy CS8 which seeks to provide for net self-sufficiency for managing waste arising in the county.

7.9 The proposed changes are considered to meet CMWDF policies DC2 & DC3 and
CDLP policy CM5 in that it is an existing facility and the alterations would not lead to additional noise, or dust emissions. It is considered that this application would not lead to additional cumulative environmental impacts that have not already been considered as part of the assessment of previous applications.

7.10 The proposed changes also meet the requirements of CMWDF policy DC4 which sets out criteria for waste management facilities. The changes proposed would not bring operations any closer to sensitive receptors and reflect efforts to reduce harm should fire break out on the site.

7.11 The alteration of the location of the aggregate discharge belt makes it slightly more noticeable from the highway than it was previously. However, material coming off the belt is now removed from the discharge pile to be stockpiled/processed on site K, rather than simply accumulating as has happened previously and which is considered to be an improvement and is acceptable. The relocation of the plastic bales from the northern elevation to the proposed storage bays means they are not as visible from outside the site due to the height of the close board fence. Similarly the proposed relocation of the weighbridge would not be seen from outside the site. Overall the application represents a moderate improvement from a landscape / visual impact point of view and as such it is considered that the proposed changes comply with CMWDF policy DC12.

7.12 The proposal is considered to represent sustainable development and meets the objectives set out in the NPPF and complies with CMWLP Policy SP1 and CDLP Policy SP1.

Human Rights

7.13 The proposed changes would have a limited impact on the visual and environmental amenity of the area. Any impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1 of the Human Rights Act 1998) are minimal and proportionate to the wider social and economic interests of the community.

8.0 CONCLUSION

8.1 It is considered that the proposed development is in accordance with the policies of the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions proposed, any potential harm would reasonably be mitigated. It is therefore recommended that this application be granted subject to conditions set out in Appendix 1 to this report.

Dominic Donnini
Corporate Director Economy and Highways

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Background Papers: Planning Application File Reference No. 1/17/9008

Electoral Division Identification: Longtown ED - Mrs Val Tarbitt
PROPOSED PLANNING CONDITIONS

Time Limit for Implementation of Permission

1. The development shall be carried out in accordance with the approved documents, hereinafter referred to as the approved scheme. The approved scheme shall comprise the following:
   a. The submitted Application Form – dated 20 December 2010
   b. Report ENW103 - dated January 2009
   c. Great Crested Newt Method Statement V 2 dated April 30th 2009
   d. Lorry routeing agreement – dated 4 August 2009
   e. Supporting Statement to this application – dated 14 December 2010
   f. Plans numbered:
      ENW103/3/01 Site Location Plan
      P.01.C-j- A2 Units A and B – Site plan rev 1.07
   g. This Decision Notice

The approved scheme shall be implemented in full.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Scheme

2. No operations, including the loading or transportation of materials or operation of plant or machinery, shall take place on site outside the hours:
   - 07.00 to 18.00 hours Mondays to Fridays
   - 07.00 to 15.00 hours on Saturdays.

   No loading or transportation of materials, or operations of plant or machinery shall take place on Sundays or on Bank or Public Holidays.

   However this condition shall not operate so as to prevent the carrying out, outside these hours, of essential maintenance to plant and machinery used on site

Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

3. All plant, machinery and vehicles used on site shall be effectively silenced at all times and maintained in accordance with the manufacturers’ recommendations.

Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site.
4. All vehicles under the site operators control that are fitted with reversing alarms shall use a white noise type

**Reason:** To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site.

5. All vehicles used to transport materials from the site onto the public highway shall be sheeted or otherwise covered.

**Reason:** In the interest of local amenity and highway safety and to prevent release of litter on to neighbouring properties

6. Any litter arising outside the building within land controlled by the applicant shall be cleared up daily

**Reason:** In the interest of local amenity and to prevent release of litter on to neighbouring properties.

7. The 3m high close boarded wooden fences on the western and northern boundaries of the site shall be retained for the duration of operations on site and any damage repaired within 1 month of being reported.

**Reason:** In the interests of visual amenity.

8. Empty skips shall not be stacked more than 4 high in any area of the site.

**Reason:** To minimise the visual impact of the development in accordance with MWDF Policy DC12.

9. Stockpiles of aggregate intended for sale or other disposal outside the site shall not be stocked except where shown on the approved plan Site Plan rev 1.06. Stockpiles of aggregates shall not exceed 4m in height when measured above existing ground levels

**Reason:** To minimise the visual impact of the development in accordance with MWDF Policy DC12.

10. Baled materials shall not be stored except where shown on the approved plan Site Plan rev 1.06. External storage of baled materials shall not exceed 3m in height as measured above existing ground levels.

**Reason:** To minimise the visual impact of the development in accordance with MWDF Policy DC12.
11. Notwithstanding conditions 9 and 10, external storage of waste materials shall not exceed 4m or take place except where shown on the approved plans (P.01.C-j- A2 Units A and B – Site plan rev 1.07)

Reason: *To minimise the visual impact of the development in accordance with MWDF Policy DC12.*

12. The doors to the waste reception area on the east elevation shall be closed following each waste delivery unless a further waste delivery is scheduled to arrive within the following 30 minutes.

Reason: *To minimise the impact of odour from the development in accordance with MWDF Policy DC2.*